

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JUSTIN EUGENE JOHNSON,

Petitioner,

v.

THE STATE OF NEW JERSEY,

Respondent.

Civil Action No. 19-20138 (FLW)

MEMORANDUM AND ORDER

This matter has been opened to the Court by the submissions of *pro se* Petitioner Justin Eugene Johnson, a prisoner appearing to seek pretrial habeas relief pursuant to 28 U.S.C. § 2241. Petitioner has neither paid the \$5.00 filing fee for a habeas petition nor submitted an application to proceed *in forma pauperis*. The Court will therefore administratively terminate this matter and provide Petitioner with an opportunity to submit the filing fee or an application to proceed *in forma pauperis*. Furthermore, Petitioner has not provided a return address; it appears, however, that he was housed at Mercer County Correctional Facility at the time he filed the instant Petition. In light of his *pro se* status, Court will direct the Clerk of the Court to add his last known address to the docket, and send a copy of this Order to him at that address.

IT IS, THEREFORE, on this 9th day of January 2020;

ORDERED that the Clerk of the Court shall **ADMINISTRATIVELY TERMINATE** this case, without filing the petition; Petitioner is informed that administrative termination is not a “dismissal” for purposes of the statute of limitations, and that if the case is reopened, it is not subject to the statute of limitations time bar if it was originally filed timely, *see Papotto v. Hartford Life & Acc. Ins. Co.*, 731 F.3d 265, 275 (3d Cir. 2013) (distinguishing administrative terminations

from dismissals); *Jenkins v. Superintendent of Laurel Highlands*, 705 F.3d 80, 84 n.2 (3d Cir. 2013) (describing prisoner mailbox rule generally); *Dasilva v. Sheriff's Dep't.*, 413 F. App'x 498, 502 (3d Cir. 2011) (per curiam) (“[The] statute of limitations is met when a [petition] is submitted to the clerk before the statute runs”); and it is further

ORDERED that the Clerk of the Court shall send Petitioner a blank application to proceed *in forma pauperis* in a habeas case, DNJ-Pro Se-007-B-(Rev. 09/09); and it is further

ORDERED that if Petitioner wishes to reopen this case, he shall so notify the Court, in writing addressed to the Clerk of the Court, Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, NJ 08608, within 30 days of the date of entry of this Memorandum and Order; Petitioner's writing shall include either the filing fee or an completed application to proceed *in forma pauperis* ; and it is further

ORDERED that upon receipt of a writing from Petitioner stating that he wishes to reopen this case, and either the filing fee or a completed application to proceed *in forma pauperis*, the Clerk of the Court will be directed to reopen this case; and it is further

ORDERED that the Clerk of the Court shall send a copy of this Order to Petitioner at Mercer County Correctional Facility, 1750 River Road, Lambertville, New Jersey 08530.

/s/ Freda L. Wolfson
Freda L. Wolfson
U.S. Chief District Judge